



**Public Hearing  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.:** 65  
**AGENDA DATE:** Thu 03/02/2006  
**PAGE:** 1 of 2

**SUBJECT:** Conduct a public hearing on an appeal by applicant Tumbleweed Investment Joint Venture of the Zoning and Platting Commission's denial of applicant's extension requests for a site plan; Rancho La Valencia, SP-01-0356D, located at 9512 FM 2222.

**AMOUNT & SOURCE OF FUNDING:** N/A

**FISCAL NOTE:** There is no unanticipated fiscal impact. A fiscal note is not required.

**REQUESTING** Watershed Protection and **DIRECTOR'S**  
**DEPARTMENT:** Development Review **AUTHORIZATION:** Joe Pantalion

**FOR MORE INFORMATION CONTACT:** George Zapalac, 974-3371; Nikki Hoelter, 974-2863; Joan Esquivel, 974-3371

**PRIOR COUNCIL ACTION:** N/A

**BOARD AND COMMISSION ACTION:** The Zoning and Platting Commission denied appeal and denied three-year extension.

**PURCHASING:** N/A

**MBE / WBE:** N/A

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The applicant is requesting a one-year administrative extension to an approved site plan, Rancho La Valencia, which would extend the life of the plan to February 14, 2006. They are also requesting a three-year extension, which would then extend the site development permit to February 14, 2009. The project proposes to construct 89 condominium units within 55 buildings, water quality and detention ponds, parking, drives and utilities on 9.748 acres. Current site conditions consist of two vacant buildings, the main drive, silt fencing, tree protection, utilities and a water quality pond.

The site plan was approved on February 14, 2002. At that time, the site was located within the City's two-mile ETJ, which did not provide for zoning regulations or enforcement. The project met all applicable regulations at that time.

On September 26, 2002, this site was annexed into the Full Purpose Jurisdiction of the City and given the zoning district designation of I-RR, interim rural residential. It's also located on an identified Hill Country Roadway, and subject to the Hill Country Roadway ordinance requirements. The applicant has requested that the site plan be maintained under a grandfathered status. However, the current site plan allows for commercial development, not condominiums, and, therefore, the condominiums would be considered a new project. Staff has made a determination to deny the extension request, because the site plan does not substantially comply with the requirements that would apply to a new application for site plan approval [Section 25-5-62(C)]. Specifically, this project does not comply with the current zoning district, I-RR or the Hill Country Roadway requirements.

The Zoning and Platting Commission heard the case on October 18, 2005 and upheld staff's



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**AGENDA ITEM NO.: 65  
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recommendation to deny the appeal of the Director's denial of a one-year administrative extension to an approved site plan (5-4). City Code allows for Commission decisions on site plans to be appealed to the City Council. The Commission also upheld staff's recommendation to deny the three-year extension request, (9-0).

Tumbleweed Investment Joint Venture is appealing the Zoning and Platting Commission's decision to deny the appeal and the three-year extension request on the basis that the project is ongoing, and all infrastructure, utilities, and ponds have been constructed.

**RANCHO LA VALENCIA  
SITE PLAN APPEAL OVERVIEW**

**Proposed Development:**

- The applicant proposes to construct 89 condominium units within 55 buildings, water quality and detention ponds, parking, drives and utilities on 9.74 acres.
- The site is located within the West Bull Creek, partially within the Edwards Aquifer Recharge Zone.
- The site plan was approved on 2/14/02; at that time the site was located within the 2-mile ETJ. At the time of approval, the plan complied with all applicable development regulations. It was not required to conform to zoning regulations and Hill Country Roadway requirements.
- On 9/26/02, the site was annexed into the Full Purpose Jurisdiction of the City, and given the zoning designation of I-RR, Interim Rural Residential.
- Currently located on a Hill Country Roadway, FM 2222.

**Applicant Request:**

- The applicant is requesting approval of a 1 year administrative extension to an approved site plan, which would extend the expiration of the site development permit to 2/14/05.
- In addition, the applicant is requesting an additional 3 year extension to the life of the site development permit, which would extend the permit to 2/14/08.

**Development Issues:**

- The development is located within the Lot 1, Block A Tumbleweed Subdivision. The proposed use for this subdivision was commercial.
- Project does not comply with the current zoning, I-RR, and has not requested a zoning change.
- The project would also be subject to the Hill Country Roadway requirements, but at this time is not in conformance.
- Two notices of violation are outstanding, one for construction activity outside the limits of construction, and one for development not in accordance with the released site plan.

**Staff's Recommendation:**

- Deny the applicant's request for a 1 year and 3 year extension to the site development permit, because it does not comply with the requirements that would

apply to a new application for site plan approval, Section 25-5-62(C). Specifically this project does not comply with the current zoning district I-RR nor the Hill Country Roadway requirements.

**Zoning and Platting Commission Action:**

- On October 18, 2005, ZAP upheld the Director's decision to not recommend the one year extension request and voted to deny the appeal, (9-0). On this same date ZAP also upheld staff's recommendation to deny the request for a 3 year extension (9-0).

**APPEAL OF AN ADMINISTRATIVE DECISION  
FOR A SITE PLAN EXTENSION AND  
REQUEST FOR A 3-YEAR EXTENSION**

**CASE NUMBER:** SP-01-0356D(XT)      **ZAP DATE:** October 18, 2005  
October 4, 2005

**ADDRESS:** 9512 RM 2222

**PROJECT NAME:** Rancho La Valencia

**APPLICANT:** Tumbleweed Investment Joint Venture (Charles Turner)  
4309 Palladio  
Austin, Tx, 78731

**AGENT:** LOC Consultants (Sergio Lozano)  
1000 E. Cesar Chavez St., Suite 100  
Austin, TX 78702

**APPELLANT:** Sergio Lozano

**WATERSHED:** West Bull Creek (Partially within Edwards Aquifer Recharge Zone)

**AREA:** 9.748 acres

**EXISTING ZONING:** I-RR, Interim-Rural Residential

**PROPOSED USE:** This project proposes to construct 89 condominium units within 55 buildings, water quality and detention ponds, parking, drives and utilities on 9.748 acres.

**APPLICABLE WATERSHED ORDINANCE:** Current Land Development Code for water quality.

**CASE MANAGER:** Nikki Hoelter, 974-2863  
[Nikki.hoelter@ci.austin.tx.us](mailto:Nikki.hoelter@ci.austin.tx.us)

**PROJECT INFORMATION: (PRIOR TO ANNEXATION)**

**EXIST. ZONING:** 2-mile ETJ      **PROPOSED USE:** Condominiums  
**ALLOWED F.A.R.:** N/A  
**MAX. BLDG. COVERAGE:** N/A  
**MAX. IMPERV. CVRG.:** 40%  
**REQUIRED PARKING:** N/A  
**EXIST. USE:** Vacant

**SUBDIVISION STATUS:** Lot 1, Block A, Tumbleweed Subdivision

**ZONING AND PLATTING COMMISSION ACTION:** Postponed to October 18, 2005, by the applicant, Consent (6-0).

**PREVIOUS APPROVALS:** C8-95-0061.0A; Lot 1, Block A, Tumbleweed Subdivision – Approved 4/5/1996  
SP-01-0356D; Rancho La Valencia site plan – Approved 2/14/2002

**BACKGROUND:**

The site plan for this project was approved on February 14, 2002, which proposed 55 condominium buildings, water quality and detention ponds, parking, drives and utilities. At the time of approval the plan met all applicable regulations. The site is located on FM 2222, about ½ mile east of RM 620. Current site conditions consist of 2 vacant buildings, the main drive, silt fence, some tree protection, utilities and a water quality pond.

Prior to site plan approval the existing subdivision was submitted and approved, which allowed for commercial development on the 9.748 acre tract. A restrictive covenant was executed with the subdivision that required parkland be dedicated “before the property may be used or developed for any residential purpose”. The parkland dedication fee was paid on February 14, 2002, which was the date of site plan approval.

At the time of approval of the both the subdivision and site plan, the subject property was located within the City of Austin's 2-Mile Extra Territorial Jurisdiction; therefore, not requiring the site plan to conform to zoning regulations, and Hill Country Roadway requirements. On September 26, 2002 this site was annexed into the Full Purpose Jurisdiction of the City, and given the zoning district designation of I-RR, interim rural residential. Since that time the owner or his agent has not requested the zoning be changed to conform to city regulations to allow for this development.

There have been two notices of violations given by the Environmental Inspector for construction activity outside the limits of construction at the wastewater receiving and off-site waterline tie in. Due to current litigation between the two owners, compliance has not been attained.

On February 14, 2005, the applicant submitted a request for a one year administrative extension to the site plan, which would extend the life of the plan to February 14, 2006. The director denied the request for a one year extension. After the applicant was informed of the denial of the extension on August 9, 2005, an appeal was filed the next day, August 10, 2005.

The applicant has also requested a 3 year extension to the site plan, due to the additional time needed by his client to work out legal issues with the owners. The request was made after the one year extension was denied in conjunction with the appeal.

**SUMMARY COMMENTS ON SITE PLAN APPEAL:**

After review by staff it was determined that this project did not meet the criteria for approval of an extension, because the site plan did not substantially comply with the requirements that would apply to a new application for site plan approval [Section 25-5-62(C)]. Specifically, this project does not comply with the current zoning district of I-RR, Interim Rural Residential nor the Hill Country Roadway requirements.

In order for this plan to comply with current Land Development Code regulations, it would need to receive waivers from Section 25-2-1123 – Construction on Slopes, 25-2-1124 – Building Height, 25-2-1125 – Location of On-site Utilities, 25-2-1127 – Impervious Cover, 25-2-1022 –

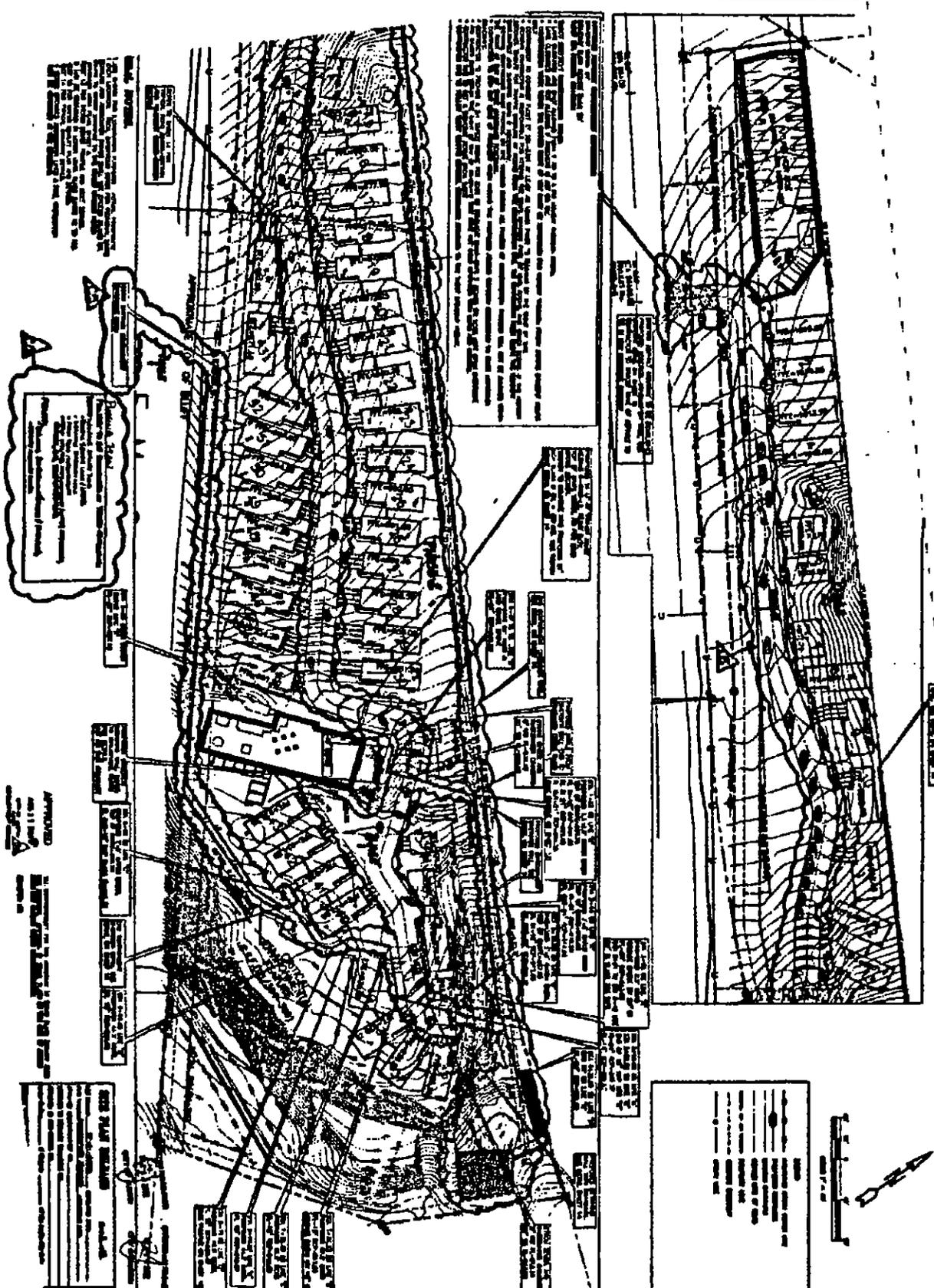
Native Trees (landscape plan), 25-2-1023 – Roadway Vegetative Buffer, 25-2-1024 - Restoring Roadway Vegetative Buffer, 25-2-1025 - Natural Area, 25-2-1026 – Parking Lot Medians and 25-2-1027 – Visual Screening. The Land Use Commission would be the authority to approve or deny these waivers from the Hill Country Roadway Ordinance, but at this time waivers have not been requested.

This plan would also be required to comply with the current zoning district regulations for I-RR, such as limit the height to 35 feet, decrease dwelling units to one unit, front setback of 40 feet, rear setback of 20 feet, decrease the building coverage to 20% and decrease the impervious cover to 25%. Current impervious cover is 40%; the height, building coverage and floor to area ratio is not known because applications which fall outside the full purpose jurisdiction are not required to provide that information. The Board of Adjustment would have the authority to approve any variances to the zoning regulations.

**ISSUES:**

The issue before the Commission is whether to grant or deny the appeal of the Director's decision to disapprove the site plan extension. If the appeal is denied, a new application conforming to current regulations is required. If the appeal is approved, the site plan would be extended for one year from the original expiration date, to February 14, 2006. The Commission also has the option to extend the site plan for up to three additional years beyond this date per the applicant's request.





1. The plan shows the proposed layout of the streets and lots within the Rancho La Valencia. The streets are shown as solid lines, and the lots are shown as hatched areas. The plan is based on the survey of the Rancho La Valencia, which was conducted by the Surveyor General of Texas in 1852.

2. The plan shows the proposed layout of the streets and lots within the Rancho La Valencia. The streets are shown as solid lines, and the lots are shown as hatched areas. The plan is based on the survey of the Rancho La Valencia, which was conducted by the Surveyor General of Texas in 1852.

3. The plan shows the proposed layout of the streets and lots within the Rancho La Valencia. The streets are shown as solid lines, and the lots are shown as hatched areas. The plan is based on the survey of the Rancho La Valencia, which was conducted by the Surveyor General of Texas in 1852.

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9. The plan shows the proposed layout of the streets and lots within the Rancho La Valencia. The streets are shown as solid lines, and the lots are shown as hatched areas. The plan is based on the survey of the Rancho La Valencia, which was conducted by the Surveyor General of Texas in 1852.

10. The plan shows the proposed layout of the streets and lots within the Rancho La Valencia. The streets are shown as solid lines, and the lots are shown as hatched areas. The plan is based on the survey of the Rancho La Valencia, which was conducted by the Surveyor General of Texas in 1852.

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**LOC Consultants**  
 2001 East 11th Street, Suite 100  
 Austin, Texas 78702  
 Phone: (512) 476-1111  
 Fax: (512) 476-1112  
 Email: loc@locconsultants.com

**RANCHO LA VALENCIA**  
 5012 NE 2222  
 AUSTIN, TEXAS  
 SITE PLAN, GRADING AND DRAINAGE ENGINEERING





City of Austin Watershed Protection and Development Review Department  
505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

**SITE PLAN APPEAL**

If you are an applicant and/or property owner or interested party, and you wish to appeal a decision on a site plan application, the following form must be completed and filed with the Director of Watershed Protection and Development Review Department, City of Austin, at the address shown above. The deadline to file an appeal is 14 days after the decision of the Planning Commission, or 20 days after an administrative decision by the Director. If you need assistance, please contact the assigned City contact at (512) 974-2680.

CASE NO. SP-01-0856D  
PROJECT NAME Rancho Valencia  
PROJECT ADDRESS 952 RR 2222  
Austin, TX  
APPLICANT'S NAME Sergio Lazano  
CITY CONTACT Niko Heltzer

DATE APPEAL FILED 11-01-05  
YOUR NAME Sergio Lazano-Sanchez, PE  
SIGNATURE   
YOUR ADDRESS 1005 E Cesar Chavez  
Austin TX 78702  
YOUR PHONE NO. (512) 499-0908 WORK  
(512) 581-7236 HOME

INTERESTED PARTY STATUS: Indicate how you qualify as an interested party who may file an appeal by the following criteria: (Check one)

- I am the record property owner of the subject property
- I am the applicant or agent representing the applicant
- I communicated my interest by speaking at the Planning Commission public hearing on (date) \_\_\_\_\_
- I communicated my interest in writing to the Director or Planning Commission prior to the decision (attach copy of dated correspondence).

In addition to the above criteria, I qualify as an interested party by one of the following criteria: (Check one)

- I occupy as my primary residence a dwelling located within 300 feet of the subject site.
- I am the record owner of property within 500 feet of the subject site.
- I am an officer of a neighborhood or environmental organization whose declared boundaries are within 500 feet of the subject site.

DECISION TO BE APPEALED\*: (Check one)

- Administrative Disapproval/Interpretation of a Site Plan
- Replacement site plan
- Planning Commission Approval/Disapproval of a Site Plan
- Waiver or Extension
- Planned Unit Development (PUD) Revision
- Other: \_\_\_\_\_

Date of Decision: 8-07-05  
Date of Decision: \_\_\_\_\_  
Date of Decision: 10-18-05  
Date of Decision: \_\_\_\_\_  
Date of Decision: \_\_\_\_\_  
Date of Decision: \_\_\_\_\_

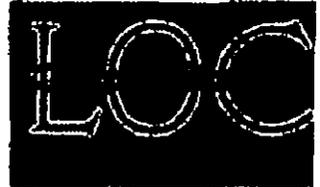
\*Administrative Approval/Disapproval of a Site Plan may only be appealed by the Applicant.

STATEMENT: Please provide a statement specifying the reason(s) you believe the decision under appeal does not comply with applicable requirements of the Land Development Code:

Please see attached letter.

(Attach additional page if necessary.)

Applicable Code Section: \_\_\_\_\_



November 1, 2005

City of Austin  
Watershed Protection and Development Review Department  
505 Barton Springs Road  
Austin, Texas 78704

**RE: Rancho Valencia**

To Whom It May Concern:

We disagree with the City staffs determination on denying the requested exemption for the above referenced project because this project has been ongoing. All the infrastructure has been constructed and inspected, the utility connections for each one of the units was installed and inspected, all the water quality and detention ponds have been completed and the only item remaining to complete this project is the construction of the single family dwellings.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sergio Lozano-Sanchez', written over a horizontal line. The signature is enclosed in a hand-drawn oval.

Sergio Lozano-Sanchez, P.E.  
Principal

CC: File



City of Austin Watershed Protection and Development Review Department  
 505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

**SITE PLAN APPEAL**

If you are an applicant and/or property owner or interested party, and you wish to appeal a decision on a site plan application, the following form must be completed and filed with the Director of Watershed Protection and Development Review Department, City of Austin, at the address shown above. The deadline to file an appeal is 14 days after the decision of the Planning Commission, or 20 days after an administrative decision by the Director. If you need assistance, please contact the assigned City contact at (512) 974-2680.

CASE NO. SP-01-0356d  
 PROJECT NAME Rancho Valencia  
 PROJECT ADDRESS 9512 FM RR22  
 APPLICANT'S NAME Sergio Lozano  
 CITY CONTACT Nikki Hoelter

DATE APPEAL FILED 8/10/05  
 YOUR NAME Sergio Lozano  
 SIGNATURE [Signature]  
 YOUR ADDRESS 1000 E. Cesar Chavez St  
Austin, Texas 78702  
 YOUR PHONE NO. (512) 499 0908 WORK  
 (512) 587 7236 HOME

**INTERESTED PARTY STATUS:** Indicate how you qualify as an interested party who may file an appeal by the following criteria: (Check one)

- I am the record property owner of the subject property
- I am the applicant or agent representing the applicant
- I communicated my interest by speaking at the Planning Commission public hearing on (date) \_\_\_\_\_
- I communicated my interest in writing to the Director or Planning Commission prior to the decision (attach copy of dated correspondence).

In addition to the above criteria, I qualify as an interested party by one of the following criteria: (Check one)

- I occupy as my primary residence a dwelling located within 500 feet of the subject site.
- I am the record owner of property within 500 feet of the subject site.
- I am an officer of a neighborhood or environmental organization whose declared boundaries are within 500 feet of the subject site.

**DECISION TO BE APPEALED\*:** (Check one)

- Administrative Disapproval/Interpretation of a Site Plan Date of Decision: \_\_\_\_\_
- Replacement site plan Date of Decision: \_\_\_\_\_
- Planning Commission Approval/Disapproval of a Site Plan Date of Decision: \_\_\_\_\_
- Waiver or Extension Date of Decision: 8/10/05
- Planned Unit Development (PUD) Revision Date of Decision: \_\_\_\_\_
- Other: \_\_\_\_\_ Date of Decision: \_\_\_\_\_

\*Administrative Approval/Disapproval of a Site Plan may only be appealed by the Applicant.

**STATEMENT:** Please provide a statement specifying the reason(s) you believe the decision under appeal does not comply with applicable requirements of the Land Development Code:

As discussed in a telephone conversation between Susan Scallon and myself, the reason why the particular project has not proceed with the construction of the dwelling units, due to pending litigation.  
 This project has continued progress during the life of the site plan i.e. the past three years all infrastructure has been finalized, including Water, Water Waste Water, Water Quality and Detention Ponds. Building Permits we were requested for 6 units but no activity was taken in this respect due to pending litigation.

Applicable Code Section: \_\_\_\_\_



August 8, 2005

Nikki Hoelter  
City of Austin  
505 Barton Springs  
Austin, Texas 78704  
VIA FACSIMILE  
(512) 974-3010

RE: Rancho Valencia (SP-01-0356D)

Dear Nikki,

Via this letter, I am respectfully requesting you to extend the above referenced site plan for an additional period of three years, which is the amount of time my client needs to complete the project in it's entirety. I believe this request will have to be considered by the Planning Commission and/or City Council and may take some time to be heard and approved.

Please inform me of any modifications to our application or any additional information in order to be recognized for this extension in time.

Sincerely,

  
Sergio Lozano-Sanchez, P.E.  
Principal

CC: File  
Eddy Jones

**Hoelter, Nikki**

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**From:** Peter Torgrimson [petertorgrimson@prodigy.net]  
**Sent:** Tuesday, October 04, 2005 1:49 PM  
**To:** Betty Baker; Melissa Hawthorne; John Philip Donisi; Jay A. Gohil; Clarke Hammond; Janis Pinnelli; Keith Jackson; Joseph Martinez; Teresa Rabago  
**Cc:** Hoelter, Nikki  
**Subject:** RE: SP-01-0356D(XT)- 9512 2222 Site Plan Extension Appeal Hearing - Rancho La Valencia

Commissioners,

Please deny the Rancho La Valencia site plan extension and its appeal (agenda items 3 and 4) at the October 4 Zoning and Platting Commission meeting.

This development should conform to the established development requirements for the City of Austin, in particular the Land Development Code for new site plan approval applications, the Hill Country Roadway Ordinance and all current zoning.

Thank you,

Peter Torgrimson  
Regional Affairs Coordinator  
Long Canyon Homeowners Association, Inc.  
Long Canyon Phase II Homeowners Association, Inc.

**Hoelter, Nikki**

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**From:** Skip Cameron [scameron@austin.tx.com]  
**Sent:** Wednesday, September 28, 2005 11:32 AM  
**To:** Betty Baker; Melissa Hawthorne; John Phillip Donisi; Jay Gohli; Clarke Hammond; Janis Pinnelli; Keith Jackson; Joseph Martinez; Teresa Rabago; Hoelter, Nikki  
**Subject:** SP-01-0356D(XT)- Oct. 4 - 9512 2222 Site Plan Extension Appeal Hearing -

Please see that this site plan extension and its appeal are denied. The site plan does not comply with the requirements of the Land Development Code that would apply to a new application for site plan approval. The site is now within the City's full purpose jurisdiction and would be required to comply with current zoning and the Hill Country Roadway ordinance.

Skip Cameron, President  
Bull Creek Foundation  
8711 Bluegrass Drive  
Austin, TX 78759-7801  
(512) 794-0531

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for more information [www.bullcreek.net](http://www.bullcreek.net)

For a better people mobility solution see [www.acprt.org](http://www.acprt.org)

**Hoelter, Nikki**

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**From:** Carol Lee [clee@austin.rr.com]  
**Sent:** Thursday, September 29, 2005 3:20 PM  
**To:** Hoelter, Nikki; Teresa Rabago; Betty Baker; Clarke Hammond; Janis Pinnell; Jay Gohl; John Philip Donis; Joseph Martinez; Keith Jackson; Melissa Hawthorne  
**Subject:** 9512 2222 Site Plan Extension Appeal Hearing - Rancho La Valencia

Dear Commission Members and CofA Planner, I am writing to ask that you support denial of the site plan extension request for SP-01-0356D(XT) that is scheduled for hearing on 4 October 2005.

The site plan does not comply with the requirements of the Land Development Code that would apply to a new application for site plan approval. The site is now within the City's full purpose jurisdiction and should be required to comply with current zoning and restrictions, including the Hill Country Roadway Ordinance.

Sincerely,  
Carol Lee  
Glenlake Neighborhood  
Austin, TX  
clee@austin.rr.com  
512.794.8250

**From:** Edwin B. King [mailto:Kingsace2@aol.com]  
**Sent:** Thursday, January 26, 2006 8:20 AM  
**To:** Wynn, Will; Thomas, Danny; Alvarez, Raul; Dunkerley, Betty; Kim, Jennifer; Leffingwell, Lee; McCracken, Brewster  
**Cc:** Hoelter, Nikki  
**Subject:** Please deny site plan extensions - Rancho La Valencia, January 26, 2006, Item 68]

Mayor and Councilmembers,  
Please deny the site plan extensions (both 1 year and 3 year) requested for the Rancho La Valencia development (Case number SP-01-0356D). This is Agenda Item Number 68 at the January 26, 2006 City Council meeting.

This development should conform to the established development requirements for this corridor. Currently it does not. Other developers in this area are conforming. A prime example is the Colina Vista development which is adjacent to this Rancho la Valencia development. Both of these developments were originally planned for use other than residential. However, the Colina Vista development is following the current development requirements while Rancho La Valencia is not. I see no compelling reasons why this developer should be given special, preferential treatment. There are several reasons why the developer should not be given any preferential treatment. These are detailed in the Development Issues section of the Agenda Item information packet.

Thank you,

E. B. King  
President  
2222 Coalition of Neighborhood Associations, Inc.  
6305 Fern Spring Cove  
Austin, TX, 78730

Hoelter, Nikki

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From: Charley Farmer [Charles.Farmer@swbell.net]  
Sent: Wednesday, January 25, 2006 11:27 AM  
To: Hoelter, Nikki  
Subject: Agenda Item 68 - SP-01-0356D - Please Deny Appeal

--- Below this line is a copy of the message.

Date: Wed, 25 Jan 2006 11:13:54 -0600  
From: Charley Farmer <Charles.Farmer@swbell.net>  
To: Nicki.Hoelter@ci.austin.tx.us, Will.Wynn@ci.austin.tx.us, Raul Alvarez  
<raul.alvarez@ci.austin.tx.us>,  
betty.dunkerley@ci.austin.tx.us,  
Brewster McCracken <brewster.mccracken@ci.austin.tx.us>,  
danny.thomas@ci.austin.tx.us, Jennifer.Kim@ci.austin.tx.us,  
Lee.Leffingwell@ci.austin.tx.us  
CC: Charley Farmer <Charles.Farmer@swbell.net>, Wick Tobias <wtobias@austin.rr.com>  
Subject: Agenda Item 68 - SP-01-0356D - Please Deny Appeal

Honorable Council Members -

The elected board of the River Place Residential Community associations supports the Zoning and Platting Commission decision to deny requests for extensions to the approved site plan for the Rancho La Valencia development in case SP-01-0356D. We ask the council to deny the appeal as well. I have cc'd Wick Tobias, President of the elected board of the River Place Residential Community Association.

Sincerely,  
Charles Farmer  
River Place Residential Community Association

## MEMORANDUM

**TO:** Betty Baker, Chair and Members of the Zoning & Platting Commission

**FROM:** Dora Anguiano, ZAP Commission Coordinator  
Neighborhood Planning and Zoning Department

**DATE:** January 5, 2006

**SUBJECT:** ZAP Commission Summary

Attached is a ZAP Commission summary, which will be forwarded to the City Council.

**CASE # SP-01-0356D(XT) Site Plan Appeal**

3. **Appeal:** SP-01-0356D(XT) - Rancho La Valencia  
Location: 9512 FM 2222 Rd., West Bull Watershed  
Owner/Applicant: Tumbleweed Investment Joint Ventures (Charles Turner)  
Agent: LOC Consultants (Sergio Lozano)  
Request: Appealing the director's decision to deny a 1 year extension.  
Staff Rec.: **NOT RECOMMENDED**  
Staff: Nikki Hoelter, 974-2863, nikki.hoelter@ci.austin.tx.us  
Watershed Protection and Development Review
4. **Site Plan Extension:** SP-01-0356D(XT) - Rancho La Valencia  
Location: 9512 FM 2222 Rd., West Bull Watershed  
Owner/Applicant: Tumbleweed Investment Joint Ventures (Charles Turner)  
Agent: LOC Consultants (Sergio Lozano)  
Request: 3-year site plan extension  
Staff Rec.: **NOT RECOMMENDED**  
Staff: Nikki Hoelter, 974-2863, nikki.hoelter@ci.austin.tx.us  
Watershed Protection and Development Review

### SUMMARY

Nikki Hoelter gave staff presentation to the commission.

Commissioner Baker – “In addition to appealing the Director’s decision to deny the extension, they are also asking for a 3-year extension.

Commissioner Jackson - If the park fees aren't extended, do they get their park fees back?

Ms. Hoelter – “No sir, they can not get their park fees returned”.

George Zapalac – The park land fees would not be refunded; they could be applied to a subsequent user of the property, if someone else came in or for a new site plan that was submitted for the property; the fees could be applied towards that.

Commissioner Baker – “So this agent could ask that this be transferred to another project?

Mr. Zapalac – That’s correct.

Commissioner Jackson – What if the subsequent project is much different than this project?

Mr. Zapalac – they still will not get a refund; once their fees are paid, it is put into the Park’s Department budget and used for the purchase of parkland.

There was further discussion regarding the parkland fee.

Sergio Lozano, applicant, gave his presentation to the c ommission.

Commissioner Donisi – Has the applicant been red tagged?

Mr. Lozano – We had been red tagged because one of the houses had encroached into BCCP with some boulders; that was the only red tag that I'm aware of.

Commissioner Donisi – The investment would not be lost if this was not extended, you could apply for a variance, could you not?

Mr. Lozano – "I'm sure we could apply for a variance. The issue is that we have electric, water and other amenities.

Commissioner Hawthorne – If you had to comply with the setback ordinance, what would that mean for you as far as how many units, because this is a long narrow tract?

Mr. Lozano – We will loose approximately 23 units that will fall within the 100-foot setback from the property line.

Commissioner Hawthorne – And the roadways are already constructed and pad built?

Mr. Lozano – Yes; only two homes have been built.

Commissioner Hawthorne – But your utilities are stubbed out at each location?

Mr. Lozano – Yes.

Commissioner Hawthorne – And the ponds are in?

Mr. Lozano – Yes.

Commissioner Hawthorne – Our backup talks about more than 1 red tag; tell me more about the red tag.

Mr. Lozano – If I recall, we had one red tag at the beginning of the project that had to do with the contractor working outside the limits of his work area; in addition to the removal of 3 trees that should have been left in place that were cut down. We agreed to replace the trees. The second red tag was the encroaching into the Balcones Canyon Land Nature Preserve with some boulders.

Commissioner Baker – What about the cut and fill? And also the construction and the waste water receiving and off-site water line?

Mr. Lozano – I do not know about those red tags.

Commissioner Hawthorne – You also mentioned that this property is on a bluff?

Mr. Lozano – Yes.

Commissioner Hawthorne – From where the roadway ends and the property line begins, where's the bluff located?

Mr. Lozano – Towards the eastern portion of the property, at the very end of the property.

Commissioner Jackson – This has been built as condominiums; are you going to build the whole project at one time or are you building homes as one or two people buy...some of these must be duplexes.

Mr. Lozano – The idea is to be able to sell 6 homes at a time and then as the progress moves forward will complete the project in 2 years.

Commissioner Jackson – And there are two structures currently on the ground?

Mr. Lozano – Yes sir.

Commissioner Jackson – Can you tell me which two?

Mr. Lozano – Lot 20 and 21.

Commissioner Baker – Where there any inspections or approvals or anything for planning the work etc. that has been mentioned; as far as being stubbed out?

Ms. Hoelter – No, as far as I know there was no permits or inspections for plumbing or electric. It may have been done prior to annexation, but our records do not indicate any permits pulled or inspections made.

Commissioner Baker – Does the City know whether it actually exists; as far as stub out for electricity, water etc. Is it on the site? Do we know?

Ms. Hoelter – Yes; there are on site utilities that I can verify.

Mr. Zapalac – I have more information about the park land fees; the City is required to expend the funds, that are posted for parkland, within 5-years of the date they receive. Unless at the end of that 5-year period, less than 50% of the project has been constructed; at that time the fees can be extended another 5-years. If the City does not expend the funds by the deadline and the actual number of residential units constructed is less than the number assumed at the time that the fee was calculated, then the owner may request a refund and could receive a prorate share of the refund.

Commissioner Baker – Thank you.

Commissioner Jackson – We heard of a red tag for cut and fill but the backup only says that there is a red tag for two violations for construction outside the limits of construction for water and wastewater tie in; has there been a cut and fill violation?

Ms. Hoelter – My records indicate that the exact violations that were red tagged were failure to provide adequate erosion and sedimentation controls and the other was activity outside the limits of construction at the water and wastewater receiving and off-site water line tie in; and the second notice was for development not in accordance with the release site plan; but no, I did not have anything that said cut and fill.

**FAVOR**

No speakers.

**OPPOSITION**

No Speakers.

Commissioner Martinez and Gohil moved to close the public hearing.

Commissioner Donisi – I move to approve staff recommendation on Item #3.

Commissioner Martinez – Second.

Commissioner Jackson – I'll make a substitute motion that we grant the 1-year sitc plan extension.

Commissioner Hawthorne – I'll second that.

Commissioner Jackson spoke to his motion.

Commissioner Hammond – A 1-year extension would take them to February 2006, right?

Commissioner Jackson – Yes; we're only working on item #3, which was there first request; there is a second case.

Commissioner Donisi – Spoke against the motion. Mr. Lozano has come before us many times; my concern is the arguments that were before us, they are arguments that would be persuasive for a variance from the Hill Country Roadway Ordinance.

Motion carried for Item #3. (5-4)

**ITEM # 4**

Commissioner Donisi – I'll move for the staff's recommendation.

Commissioner Pinnelli – Second

Commissioner Baker – Item #4 is to deny the request for a 3-year extension. All in favor say aye.

Motion carried. (9-0)

**From:** Joekono@aol.com [mailto:Joekono@aol.com]  
**Sent:** Sunday, February 12, 2006 7:23 PM  
**To:** Hoelter, Nikki  
**Subject:** Please deny site plan extension request by Rancho La Valencia Case# SP-01...

Nikki,

Please note the message that I sent to the City Council relative to Case #SP-01-0356D requesting denial of the Site Plan Extension for the Rancho La Valencia.

Joseph J. Konopka

President, Long Canyon Homeowners Association, Inc  
Member, Coalition Of Neighborhood Associations, Inc  
Bull Creek Preserve Volunteer

512-345-9298

Mayor and Council Members,

I respectfully request that you deny the site plan extensions (both 1 year and 3 year) requested for the Rancho La Valencia development (Case number SP-01-0356D). This is Agenda Item Number 68 at the January 26, 2006 City Council meeting.

This development should conform to all of the established development requirements for 2222 corridor. Currently it does not. It is fair play for the other developers to do so. The other developers in this corridor are conforming. A prime example is the Colina Vista development which is adjacent to this Rancho la Valencia development. Both of these developments were originally planned for use other than residential. However, the Colina Vista development is following the current development requirements while Rancho La Valencia is not.

I see no compelling reasons why this developer should be given special, preferential treatment. The Development Issues section of the Agenda Item Information Packet describes several good reasons why the developer should not be given any preferential treatment.

Your support to the many communities and developers to prevent this unfair extension is sincerely appreciated.

Joseph J. Konopka  
President, Long Canyon Phase II/III Homeowners Association, Inc.

5808 Standing Rock Drive  
Austin, TX 78730

512-345-9298